

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CR00470SNLJ
)	
ROY HIGGS and FRANK SCHWARTZ,)	
)	
Defendants.)	

ORDER MODIFYING CONDITIONS OF RELEASE

This matter came before the Court on the government's motion to revoke the bonds of the individual Defendants and for an order of pretrial detention. The motion was based on a new charge contained in the superseding indictment, which alleged that Defendants were continuing to defraud investors, related to a letter soliciting funds sent to investors in July, 2008. (Doc. #84).

Following an initial hearing on October 20, 2008, the government and Defendants met and agreed to the language of a letter to be sent to investors, a copy of which is attached to this Order as Exhibit 1. In light of this agreement, at the continued hearing on October 29, 2008, the government withdrew its motion for pretrial detention, subject to its oral motion to modify the terms of Defendants' bond to require a mailing of the letter to all investors. Defendants had no objections, and agreed, through counsel, to provide a list of all investors to the government within 15 days, and to mail the letter and comply with its terms. Accordingly, for good cause shown,

IT IS HEREBY ORDERED that the Conditions of Release of Defendants Roy Higgs and Frank Schwartz are hereby modified to impose the following additional conditions of release:

1. Per the agreement of the parties, Defendants shall cause a copy of the letter attached hereto as Exhibit 1 to be mailed to all investors of Earthly Mineral Solutions; and
2. Defendants shall comply with the promises contained in Exhibit 1.

Dated this 29th day of October, 2008.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE